

MCK Services Inc.**Nancy Jackson****PO Box 5697****Concord, CA 94524****Telephone (925) 957-9200****FAX (925) 957-9292****FAX TRANSMITTAL****ATTENTION:** Ricardo Morales**DATE:** August 10, 2009**COMPANY:** City of San Jose**FAX No.:** 408/277-3621**SUBJECT:** Formal Response to Bid Protest on San Jose Various Streets
Resurfacing And Rehabilitation Project**PAGES TO FOLLOW:** 2

☐ URGENT ☒ 2ND FAX ☐ PLEASE COMMENT ☐ F.Y.I. ☐ PER YOUR REQUEST

Nancy Jackson

MCK Services INC

August 10, 2009

Mr Ricardo Morales
Project Engineer
City of San Jose
Dept of Transportation
1404 Mabury Road
San Jose CA 95133

Re: San Jose Various Streets Resurfacing and Rehabilitation Project

Subject: Response to Bid Protest Letter from Granite Rock (dba Pavex)

Mr Morales

MCK Services Inc, the apparent low bidder for the referenced project, believes the submittal of our bid proposal and good faith efforts was provided complete and without error. In doing so MCK Services remains the lowest responsive bidder and the project should be awarded to MCK Services.

The form referenced as Bidder's List of Subcontractors (DBE and NON-DBE), Part I, was included with our proposal on July 30, 2009. MCK Services Inc. listed all subcontractors intended to be included on the project, as required. The form *did not require* us to list service and material providers. STI Trucking is not a subcontractor, they are a service provider. A service provider does not require a contractor's license; a subcontractor does require a license.

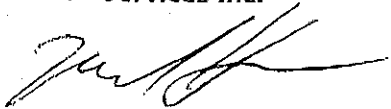
STI Trucking was listed appropriately on Form 15-G1, Local Agency Bidder ~ UDBE Commitment, as the certified UDBE firm selected to meet, and in this case exceed, the required 2.76% goal for this Federal Grant project. Form 15-G1 was provided within the deadline per the specifications.

The project specifications also states, "Meet the UDBE goal shown in the Notice to Bidders *or* demonstrate that you made adequate good faith efforts to meet this goal." Since MCK Services exceeded the 2.76% goal, the submittal of good faith effort documentation was optional.

MCK Services chose to submit the good faith effort documentation as a courtesy and as proof that good faith was in fact made to include certified UDBE's. Included with the good faith effort documents was a copy of every subcontractor and service provider quote received during the bidding process indicating whether used or not, and the reason why, as part of the conditions of the good faith effort submittal. This is above and beyond the information to be included on the form referenced as Bidder's List of Subcontractors (DBE and NON-DBE), Part II.

MCK Services Inc., a Small Business Enterprise (SBE), certified by the State of California Department of General Services, believes that the information submitted in both their proposal and the good faith efforts documentation suffices as proof of being a responsive bidder and that the City of San Jose should award the project to MCK Services Inc.

Respectfully submitted,
MCK Services Inc.



Mark Hazen
President

Cc: Dale Dapp, City of San Jose